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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant:</b> Charles E. Boyer	<b>Examiner:</b> Caputo, Lisa M.
<b>Serial No.</b> 10/713,247	<b>Group Art Unit:</b> 2876
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<b>For:</b> HIGH-SECURITY CARD AND SYSTEM	<b>Docket No.</b> VER0015/US

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SECOND APPEAL BRIEF

Dear Sir or Madam:

This Appeal Brief is submitted in support of the Appeal from the Final Rejection mailed July 26, 2007 in the above-identified patent application. No fee is believed to be necessary for the submission of this Second Appeal Brief, however, should any fees be deemed necessary, the Commissioner is authorized to charge any fees to our Deposit Account No. 50-1775 and notify us of the same. The Appellants have previously indicated and maintain small entity status.

A Notice of Appeal was submitted by Certificate of Mailing on November 21, 2007. Two-months from Office date of receipt of the Notice of Appeal is January 23, 2008. It is believed that this paper is timely filed and no fee is believed to be necessary, however, should any fees be deemed necessary, the Commissioner is authorized to charge any fees to our Deposit Account No. 50-1775 and notify us of the same.

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**I. Real Party in Interest**

The real party in interest is Veritec, Inc. having a place of business at 2445 Winnetka Avenue North, Golden Valley, Minnesota 55427.

## **II. Related Appeals and Interferences**

There are no related appeals or interferences.

### **III. Status of Claims**

Claims 1, 4-8, and 16 are pending.

Claims 2, 3, and 9-15 are cancelled.

No claims are allowed.

Claims 1, 4, 8 and 16 stand rejected as being unpatentable over Wankmueller (U.S. Patent No. 6,857,566) in view of Nishikado et al. (U.S. Patent No. 6,572,025) as applied under 35 U.S.C. section 103(a) as set out in greater detail below.

Claims 5-7 stand rejected as being unpatentable over Wankmueller as modified by Nishikado et al. and further in view of Tahan (U.S. Patent Application Publication No. 2002/0111830) as applied under 35 U.S.C. section 103(a) as set out in greater detail below.

The rejection of claims 1, 4-8 and 16 is the subject of this appeal.

**IV. Status of Amendments**

No Amendment has been submitted subsequent to the Final Office Action dated July 27, 2007.

## V. Summary of Claimed Subject Matter

*Parenthetical citations in this section refer to the Applicant's specification.*

A high-security transaction card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) including account representation information for an entity (FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b), is claimed. The high-security transaction card comprises a card body having a perimeter and at least one face (pg. 7, lines18-20; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b). The high-security card also comprises at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the account representation information for the entity and, said at least one symbol being located within said perimeter of said card body on said at least one face (pg. 8, line5 – pg. 10, line 22; FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b). The account representation information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that account identification can only be made by decoding the two-dimensional binary information symbol (pg. 10, lines13-22; pg. 11, lines 13-18; pg. 12, lines 5-9; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b).

The high-security card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may also comprise disposable materials for use as an economical, disposable identification card (pg. 11, lines 2-9).

The high-security card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may further comprise library patron account information encoded in the two-dimensional binary information symbol for use as a library patron identification and circulation control card (pg. 12, lines 10-17).

The high-security card (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may also comprise building access user identification information encoded in the two-dimensional binary information symbol for use as a building access card (pg. 12, lines 10-17).

The high-security card (pg. 7, lines 10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b) may also comprise patient account information encoded in the two-dimensional binary information symbol for use as a medical information and patient history card (pg. 12, lines 10-17).

Also claimed is a high-security card system (pg. 12, lines 18-21; FIG. 4, 400). The high-security card system comprises at least one high-security card (pg. 7, lines 10-17; pg. 12, lines 21-22; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b; FIG. 4, 300a) including at least one of account representation information and user identification information for an entity (FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b), said high-security card including (i) a card body having a perimeter and at least one face (pg. 7, lines 18-20; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b), and (ii) at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including at least one of account representation information and user identification information for the entity and, said at least one symbol being located within said perimeter of said card body on said at least one face (pg. 8, line 5 – pg. 10, line 22; FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b). The at least one of the account and user identification information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that at least one of the account and user identification can only be made by decoding the two-dimensional binary information symbol (pg. 10, lines 13-22; pg. 11, lines 13-18; pg. 12, lines 5-9; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b). The system also comprises at least one card reader, said reader being responsive in use to said at least one symbol of said at least one high-security card and generating a signal indicative of said symbol (pg. 12, lines 20-22; pg. 13, lines 16-17; FIG. 4, 410). Further, the system comprises at least one decoder, said decoder being capable of (i) receiving said signal from said at least one card reader, and (ii) converting said signal into a human-readable authentication display, which authentication display could not be made based upon information otherwise represented in human discernable form on the card body (pg. 12, line 23-pg. 13, line 2; pg. 13, lines 18-19; FIG. 4, 430).



A high-security identification card including identity information for a particular entity (pg. 7, lines10-17; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b), is further claimed. The high-security identification card comprises a card body having a perimeter and at least one face (pg. 7, lines18-20; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b). The high-security identification card also comprises at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the identity information for the particular entity and, said at least one symbol being located within said perimeter of said card body on said at least one face (pg. 8, line5 – pg. 10, line 22; FIG. 2a, 280a; FIG. 2b, 280b; FIG. 3a, 280a; and FIG. 3b, 280b). The identity information for the particular entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human discernable form on the card body so that identification of the particular entity can only be made by decoding the two-dimensional binary information symbol (pg. 10, lines13-22; pg. 11, lines 13-18; pg. 12, lines 5-9; FIG. 2a, 200a; FIG. 2b, 200b; FIG. 3a, 300a; and FIG. 3b, 300b).

**VI. Grounds of Objection and Rejection to be Reviewed on Appeal**

- A. Whether claims 1, 4, 8, and 16 are patentable under 35 U.S.C. 103(a) over the Wankmueller and Nishikado et al. references.
- B. Whether claims 5-7 are patentable under 35 U.S.C. 103(a) over the Wankmueller, Nishikado et al., and Tahan references.

## VII. Argument

A. Rejection under 35 U.S.C. §103(a) over the Wankmueller Reference in view of the Nishikado et al. Reference.

### Claims 1, 4, 8 and 16

In the Final Office Action of July 26, 2007, claims 1, 4, 8, and 16 are rejected as unpatentable over Wankmueller (U.S. Patent No. 6,857,566) in view of Nishikado et al. (U.S. Patent No. 6,572,025).

As stated by the Examiner, “Wankmueller teaches a high-security transaction card including account representation information for an entity” in a one dimensional bar code on the face of the card. The teaching or suggestion of a two-dimensional bar code is not present in Wankmueller.

The Examiner asserts that “Nishikado teaches a high-security transaction card that comprises at least two-dimensional binary information symbol comprising a symbolic representation of coded data.”

Appellants respectfully submit that not all of the limitations of Appellants claimed invention are disclosed, taught, or suggested by any proper combination of Wankmueller and Nishikado et al. As represented in Figs. 3a and 3b of the application, the transactional and identification cards comprise the necessary account or identification information only in encoded form as a two-dimensional binary information symbol. That is, account identification or user identification can only be made by decoding the two-dimensional bar code, there is no other means by which a person could access the encoded information on the card except by decoding the encoded information.

In Nishikado et al. discussed above, critical information is provided on the card in human cognizable form with some, all, or more information represented in code form, such as a two-dimensional bar code. Appellants claimed invention is distinct at least in that account or user identification information is encoded in the two-dimensional symbol provided on the card, which information is needed for account or user identification because such information is otherwise not represented in human discernable form on the

card. In other words, account or user identification can only be made by decoding the two-dimensional symbol. As such, Appellants respectfully submit that not all of the claim limitations are disclosed, taught, or suggested by any proper combination of Wankmueller and Nishikado et al.

Further, what is disclosed in Nishikado et al. is an exceptionally complex system in which “account representation information for the entity and entity identification information” are not stored in a two-dimensional binary information symbol. Rather, the information relating to an entity in Nishikado et al. is encoded into a two-dimensional bar code, and then is broken up into smaller pieces to be hidden on the face of the card amongst other designs, colors, and patterns. Thus, portions of the information are stored in pieces of a two-dimensional bar code, however the information is not stored in a two-dimensional binary information symbol on the card. The information is stored in pieces of a symbol that must be reassembled by a specialized reader. The reader required in such a situation must be considerably more complex than a simple two-dimensional bar code reader, because the card must be searched for all of the pieces of the two-dimensional symbol and then reassembled and decoded after the reassembly (See e.g. FIG. 15). Appellants claimed invention requires at least one two – dimensional binary information symbol which is apparent on the face of the card so that it can be easily scanned by a person using a reader. Accordingly, because neither Nishikado et al. nor Wankmueller discloses, teaches, or suggests all of the claim limitations including but not limited to storing the account representation information or the entity identification information in a two-dimensional binary information symbol on the card face because Nishikado et al. hides information in portions of a bar-code making it difficult to decode and not storing the information on the face of the card in a two-dimensional bar code.

Accordingly, it is submitted that presently pending claims 1, 4, 8 and 16 are not unpatentable by Wankmueller and Nishikado et al. and are currently in condition for allowance, a notice of which is earnestly solicited.

**B. Rejection under 35 U.S.C. §103(a) over the Wankmueller, Nishikado et al. or Tahan Reference**

**Claims 5-7**

In the Final Office Action, claims 5-7 are rejected as obvious over Wankmueller, Nishikado et al. or Tahan.

The comments made relating to claims 1, 4, 8, and 16 are equally applicable to claims 5-7 because they contain the same limitations as claim 1. For completeness, those arguments have been repeated in this section along with additional comments in support of the patentability of claims 5-7. The Examiner stated that it was obvious to employ the high-security card in the embodiments claimed in claims 5-7. Any proper combination of Wankmueller, Nishikado et al. and Tahan fails to teach all of the claim limitations of claims 5-7 as explained below

As stated by the Examiner, “Wankmueller teaches a high-security transaction card including account representation information for an entity” in a one dimensional bar-code on the face of the card. The teaching or suggestion of a two-dimensional bar code is not present in Wankmueller.

The Examiner asserts that “Nishikado teaches a high-security transaction card that comprises at least two-dimensional binary information symbol comprising a symbolic representation of coded data.”

Appellants respectfully submit that not all of the limitations of Appellants claimed invention are disclosed, taught, or suggested by any proper combination of Wankmueller and Nishikado et al. As represented in Figs. 3a and 3b of the application, the transactional and identification cards comprise the necessary account or identification information only in encoded form as a two-dimensional binary information symbol. That is, account identification or user identification can only be made by decoding the two-dimensional bar code, there is no other means by which a person could access the encoded information on the card except by decoding the encoded information.

In Nishikado et al. discussed above, critical information is provided on the card in human cognizable form with some, all, or more information represented in code form, such as a two-dimensional bar code. Appellants claimed invention is distinct at least in that account or user identification information is encoded in the two-dimensional symbol provided on the card, which information is needed for account or user identification because such information is otherwise not represented in human discernable form on the card. In other words, account or user identification can only be made by decoding the two-dimensional symbol. As such, Appellants respectfully submit that not all of the claim limitations are disclosed, taught, or suggested by any proper combination of Wankmueller and Nishikado et al.

Further, what is disclosed in Nishikado et al. is an exceptionally complex system in which “account representation information for the entity and entity identification information” are not stored in a two-dimensional binary information symbol. Rather, the information relating to an entity in Nishikado et al. is encoded into a two-dimensional bar code, and then is broken up into smaller pieces to be hidden on the face of the card amongst other designs, colors, and patterns. Thus, portions of the information are stored in pieces of a two-dimensional bar code however the information is not stored in a two-dimensional binary information symbol on the card. The information is stored in pieces of a symbol that must be reassembled by a specialized reader. The reader required in such a situation must be considerably more complex than a simple two-dimensional bar code reader, because the card must be searched for all of the pieces of the two-dimensional symbol and then reassembled and decoded after the reassembly (See e.g., FIG. 15). Applicants claimed invention requires at least one two – dimensional binary information symbol which is apparent on the face of the card so that it can be easily scanned by a person using a reader. Accordingly, because neither Nishikado et al. nor Wankmueller discloses, teaches, or suggests all of the claim limitations including but not limited to storing the account representation information or the entity identification information in a two-dimensional binary information symbol on the card face because Nishikado et al. hides information in portions of a bar-code making it difficult to decode and not storing the information on the face of the card in a two-dimensional bar code.

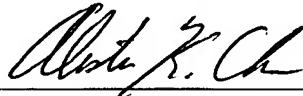
Accordingly, for all of the reasons provided above, it is submitted that presently pending claims 5-7 are not obvious over any proper combination of Wankmueller, Nishikado et al. and Tahan and are currently in condition for allowance, a notice of which is earnestly solicited.

**E. Conclusion**

In view of these remarks, it is respectfully submitted that the rejections of claims 1, 4, 8 and 16 under 35 U.S.C. §103(a) and the rejection of claims 5-7 under 35 U.S.C. §103(a) cannot be sustained and that all of the claims are in condition for allowance. Favorable action is requested.

Respectfully Submitted,

Dated: January 22, 2008

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## **VIII. Claims Appendix – Pending Claims**

1. A high-security transaction card including account representation information for an entity, comprising:

a card body having a perimeter and at least one face; and  
at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the account representation information for the entity and entity identification information and, said at least one symbol being located within said perimeter of said card body on said at least one face,

wherein the account representation information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that account identification can only be made by decoding the two-dimensional binary information symbol and the identity identification information useable for comparing with a characteristic of the entity associated with the card.

4. The high-security card of claim 16, comprising disposable materials for use as an economical, disposable identification card.

5. The high-security card of claim 1, including library patron account information encoded in the two-dimensional binary information symbol for use as a library patron identification and circulation control card.

6. The high-security card of claim 16, including building access user identification information encoded in the two-dimensional binary information symbol for use as a building access card.

7. The high-security card of claim 1, including patient account information encoded in the two-dimensional binary information symbol for use as a medical information and patient history card.

8. A high-security card system, comprising:
  - at least one high-security card including account representation information and user identification information for an entity, said high-security card including (i) a card body having a perimeter and at least one face, and (ii) at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including account representation information and user identification information for the entity and, said at least one symbol being located within said perimeter of said card body on said at least one face, wherein the account information for the entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human readable form on the card body so that the account information can only be derived by decoding the two-dimensional symbol and the user identification information derived from decoding the two-dimensional binary information symbol is used to compare with a characteristic of the entity provided by the entity;
  - at least one card reader, said reader being responsive in use to said at least one symbol of said at least one high-security card and generating a signal indicative of said symbol; and
  - at least one decoder, said decoder being capable of (i) receiving said signal from said at least one card reader, and (ii) converting said signal into a human-readable authentication display.
  
16. A high-security identification card including identity information for a particular entity, comprising:
  - a card body having a perimeter and at least one face; and
  - at least one two-dimensional binary information symbol comprising a symbolic representation of coded data including the identity information for the particular entity and, said at least one symbol being located within said perimeter of said card body on said at least one face,

wherein the identity information for the particular entity that is coded in the two-dimensional binary information symbol is not otherwise represented in human

discernable form on the card body so that identification of the particular entity can only be made by decoding the two-dimensional binary information symbol and comparing the identity information with that of the entity presenting the card.

## **IX. Appendix - Evidence**

There is no evidence to be included in Appendix IX.

## **X. Appendix - Related Proceedings**

There are no related appeals or interferences.